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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,299	02/17/2004	Patrick Calahan	ORACL-01330US1	9743
80548	7590	01/06/2009		
Fliesler Meyer LLP 650 California Street 14th Floor San Francisco, CA 94108			EXAMINER	
			TO, BAOQUOC N	
			ART UNIT	PAPER NUMBER
			2162	
			MAIL DATE	DELIVERY MODE
			01/06/2009 PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/780,299

Applicant(s)

CALAHAN, PATRICK

Examiner

BAOQUOC N. TO

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32, 35-40, 43 and 45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32, 35-40, 43 and 45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/23/2008 has been entered.

Claims 1, 4, 13, 15, 22-23, 25, 30, 32, 35-40 43 are amended.

Claims 1-32, 35-40, 43 and 45 are pending in this application.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 13, 23 and 43 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 13-22, 43 and 45 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 13 and 43 recite computer-implemented methods which does not produce any concrete, useful and tangible result.

The methods do not tie with a statutory class or transform the underlying data to a different state or thing with world value. Rather they are abstract ideas.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-32 and 35-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Desai Arpan (December 3-14, 2001) in view of Jakobson et al. (US. Patent No. US 6,941,557 B1) and further in view of Lok et al. (US. Pub. No.

2004/0028212 A1) and further in view of Wang et al. (US. Patent No. 7,062,507 B2) and further in view

As to claim 1, Desai teaches a system implemented using a computer to process XML document, comprising:

a streaming parser operable to parse an XML document to generate a stream of discrete piece of the XML document (the XML) (page 1, line 12);

a matching component to perform the steps of:

accepting a discrete piece of the XML document from the stream of discrete pieces from the streaming parser at one time (without buffering portions of the XML document) (page 1, lines 25-26);

keeping in memory only said discrete piece of the XML document of the stream at said time (without buffering portions of the XML document) (page 1, lines 25-26);

said matching component runs on one or more processor (page 1, line 12).

Desai does not explicitly teach maintaining a plurality of contexts associated with said discrete piece of the XML document; performing a match against each of the plurality of context on said discrete piece of the XML document form the stream; notifying an observer when the discrete piece of the XML document is matched discrete piece of the XML document, wherein when the discrete piece of the XML document is not a matched discrete of the XML document the observer is not notified; said observer

operable to listen for the matched discrete piece of the XML document and passing it to a user object; and said user object operable to handle the matched discrete piece of the XML document. Jakobson discloses maintaining a plurality of contexts associated with said discrete piece of the XML document (the network management context must exhibit some level of intelligence in analyzing the incoming events, understanding the surrounding management context...) (col. 2, lines 7-12). This suggests the management of the context of incoming events. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify teaching of Desai to include the management of the context of incoming events as disclosed Jakobson in order to allow the compare and matching. Lock discloses performing a performing a match against each of the plurality of context on said discrete piece of the XML document form the stream (The loaded XML documents are parsed and a DOM objects is kept in memory. By doing so, the request/response time can be significantly reduced, resulting in lower response times. On request of configuration data from any CC Portal component, the DOM tree is searched for the requested configuration data. CM uses standard-based XML, query mechanisms (XPath, XQuery) to find the data from the DOM object. The result is sent as a XML message to the UMR for routing purposes) (col. 6, lines 0087). This suggests the matching using the query mechanism such as XPath or XQuery and DOM is routed to requester. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Desai's system to include the matching using the query mechanism such as XPath or XQuery and DOM is routed to requester as disclosed by Lok in order to allow

object to be queried. In addition, Desai does not explicitly disclose notifying an observer when the event is a matched event, wherein when the event is not a matched event the observer is not notified; said observer operable to listen for the matched event and passing it to a user object; and said user object operable to handle the matched event. However, the claim limitations only require one condition to be satisfy for example said observer operable to listen for the matched event and passing it to a user object; and said user object operable to handle the match event. On the other hand, Wang discloses one condition to be satisfy for example said observer operable to listen for the matched event and passing it to a user object; and said user object operable to handle the match event (inserting at least one XML document from a data source into an XML parser; providing a matcher to receive at least one event from the XML parser and to deliver the matched profile ids to the profile and user manager) (col. 3, lines 32-36). This suggests the object is being passed to the user manager. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the Desai and Jakobson and Lok system to include the object is being passed to the user manager as disclosed by Wang in order to reduce memory consumption.

As to claim 2, Desai teaches the system according to claim 1, wherein: the XML document is represented in a hierarchical structure (DOM) (page 1, line 14).

As to claim 3, Desai teaches the system according to claim 2, wherein: the hierarchical structure is a tree with each node containing a portion of the document (DOM) (page 1, line 14).

AS to claim 4, Desai teaches the system according to claim 3, wherein: the streaming parser generates the stream of discrete pieces of the XML document by: traversing the XML tree and adding visited nodes into a data structure (DOM) (page 1, line 14);

processing the nodes in the data structure and generating pieces of the XML document for each node (DOM) (page 1, line 14); and

appending the pieces of the XML document to the output stream (DOM) (page 1, line 14).

As to claim 5, Desai teaches the system according to claim 4, wherein: the tree is traversed using a breath-first or depth-first search (DOM) (page 1, line 14).

As to claim 6, Desai teaches the system according to claim 4, wherein: the data structure is a queue (DOM) (page 1, line 14).

As to claim 7, Desai teaches the system according to claim 4, wherein: the data structure is processed using a first-in-first-out approach (DOM) (page 1, line 14).

As to claim 8, Desai teaches the system according to claim 1, wherein: the matching component keeps only a portion of the XML document in memory at any given time (without buffering portions of the XML document) (page 1, lines 25-26).

As to claim 9, Desai teaches the system according to claim 1, wherein: the matching component knows the schema of the XML document and foreseeing the coming events (without buffering portions of the XML document) (page 1, lines 25-26).

As to claim 10, Desai teaches the system according to claim 1, wherein: the match is an expression-based match, which can be an XPath query (XPath query) (the simplest definition/explanation for SXPath is that it is the subset of XPath which allows for queries which allow for a determine within a streaming document whether a given node is a match for the query and allows the expulsion of needles buffering of the past and current nodes" (page 1, lines 30-33).

As to claim 11, Desai teaches the system according to claim 3, wherein: the matching component keeps, clones and destroys the entirety or a portion of the sub-tree descending from a node in the tree (DOM) (page 1, line 14).

As to claim 12, Desai teaches the system according to claim 1, wherein: the user object returns the matched event to an XML stream for use by any other component (the simplest definition/explanation for SXPath is that it is the subset of XPath which allows for queries which allow for a determine within a streaming document whether a given node is a match for the query and allows the expulsion of needles buffering of the past and current nodes" (page 1, lines 30-33).

As to claim 35, Desai teaches the system according to claim 1, wherein: said matching component can perform the step of accepting another event at said t time (without buffering portions of the XML document) (page 1, lines 25-26).

As to claim 36, Desai teaches the system according to claim 1, wherein: said matching component can perform the step of accepting another event at a different time (without buffering portions of the XML document) (page 1, lines 25-26).

Claim 12 is rejected under the same reason as to claim 1.

Claim 13 is rejected under the same reason as to claim 2.

Claim 14 is rejected under the same reason as to claim 3.

Claim 15 is rejected under the same reason as to claim 4.

Claim 16 is rejected under the same reason as to claim 5.

Claim 17 is rejected under the same reason as to claim 7.

Claim 18 is rejected under the same reason as to claim 9.

Claim 19 is rejected under the same reason as to claim 9.

Claim 20 is rejected under the same reason as to claim 10.

Claim 21 is rejected under the same reason as to claim 11.

Claim 22 is rejected under the same reason as to claim 12.

Claim 37 is rejected under the same reason as to claim 35

Claim 38 is rejected under the same reason as to claim 36.

Claim 23 is rejected under the same reason as to claim 1.

Claim 24 is rejected under the same reason as to claim 3.

Claim 25 is rejected under the same reason as to claim 4.

Claim 26 is rejected under the same reason as to claim 5.

Claim 27 is rejected under the same reason as to claim 7.

Claim 28 is rejected under the same reason as to claim 8.

Claim 29 is rejected under the same reason as to claim 9.

Claim 30 is rejected under the same reason as to claim 10.

Claim 31 is rejected under the same reason as to claim 11.

Claim 32 is rejected under the same reason as to claim 12.

Claim 39 is rejected under the same reason as to claim 35.

Claim 40 is rejected under the same reason as to claim 36.

Allowable Subject Matter

5. Claims 43 and 45 are allowed over prior art made of record when applicant overcomes 101 rejection.

The following is an examiner's statement of reasons for allowance:

As to claim 43, Examiner agrees with applicant argument that "Desai does not return said discrete..." on page 9 filed on 12/23/2008.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is at 571-272-4041, or unofficial fax number for the purpose of discussion (571) 273-4041 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at 571-272-4107.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

(571) 273-8300 [Official Communication]

/Baoquoc N To/
Primary Examiner, Art Unit 2162